

Applicant: Weadock et al.
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Pursuant to 37 C.F.R. § 1.173(g), all claim amendments have been made relative to the patent specification in effect as of the date of the filing of the reissue application. Accordingly, the text of each of "new" claims 13-20 (which claims are being presented in amended form from their previously-presented form) is underlined. In accordance with M.P.E.P. § 1453, the presentation with respect to claims 13-15, 17, and 19 does not include any bracketing although subject matter has been deleted from those claims. Moreover, new claims 21-31 are presented with underlining as required by 37 C.F.R. § 1.137 and M.P.E.P. § 1453. The changes to the claims are discussed in the Amendment and Response to Office Action filed on April 21, 2004. Applicants again request the cancellation of claim 5.

Listing of Claims:

Claim 1 (Twice Amended). An implantable member for use in repair or replacement [with] within a body comprising an expanded polytetrafluoroethylene substrate having a wall structure including nodes and fibrils with pores present between said nodes and said fibrils, said pores filled with a [fluid which solidifies and is crosslinked to form a solid precipitate of a insoluble biocompatible, biodegradable material of natural origin said material being insoluble at a pH of about 7.4] solid precipitate of a material of natural origin formed *in situ* from a solution that is pH-adjusted within said pores.

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Claim 2 (Amended). An implantable member of claim 1, wherein said substrate comprises an implantable tubular prosthesis.

Claim 3 (Amended). An implantable member of claim 1, wherein said substrate comprises an implantable surgical patch.

Claim 4 (Amended). An implantable member of claim 1, wherein said substrate comprises an implantable mesh.

Claim 7 (Thrice Amended). An implantable member of claim [6] 1, wherein said [extracellular matrix protein] material of natural origin is selected from the group consisting of [collagen, including] collagen I-V, gelatin, vitronectin, fibronectin, laminin, reconstituted basement membrane matrices, and derivatives and mixtures thereof.

Claim 9 (Twice Amended). The prosthesis of claim 1, wherein the [biocompatible, biodegradable material includes] precipitate comprises a pharmacological agent.

Claim 10 (Amended). The prosthesis of claim 9, wherein said [pharmacologically active] pharmacological agent is selected from the group consisting of antimicrobials, antivirals, antibiotics, growth factors, blood clotting modulators, antivirals and mixtures thereof.

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Claim 11 (Amended). The prosthesis of claim 1, wherein the polytetrafluoroethylene has been modified to enhance its hydrophilic character.

Claim 12. (Amended): The prosthesis of claim 11, wherein the polytetrafluoroethylene has been subjected to glow discharge plasma deposition.

Claim 13 (Twice Amended). An implantable prosthesis comprising a body of expanded polytetrafluoroethylene having a structure of spaced apart nodes interconnected by fibrils with pores present between said nodes and said fibrils, wherein a solution of a biodegradable composition having an acidic pH is contained within said pores, said biodegradable composition forming a precipitate that substantially fills said pores at selected conditions of temperature and pH to form an insoluble substrate site for cellular attachment.

Claim 14 (Amended). An implantable prosthesis of claim 13, wherein said biodegradable composition comprises at least one extracellular matrix protein or gelatin.

Claim 15 (Twice Amended). An implantable prosthesis of claim 14, wherein said extracellular matrix protein or gelatin is selected from the group consisting of collagen I, collagen II, collagen

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III, collagen IV, collagen V, gelatin, vitronectin, fibronectin, laminin, reconstituted basement membrane matrices and derivatives and mixtures thereof.

Claim 16 (Amended). An implantable prosthesis of claim 14, wherein said extracellular matrix protein comprises collagen.

Claim 17 (Twice Amended). An implantable prosthesis of claim 14, wherein said composition further comprises a buffered phosphate.

Claim 18 (Amended). An implantable prosthesis of claim 17, wherein said buffered phosphate is maintained at a pH of about 7.4.

Claim 19 (Amended). An implantable prosthesis of claim 13, wherein the biodegradable composition further comprises a pharmacological agent.

Claim 20 (Amended). An implantable prosthesis of claim 19, wherein said pharmacological agent is selected from the group consisting of antimicrobials, antivirals, antibiotics, growth factors, blood clotting modulators, antivirals and mixtures thereof.

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Claim 21 (New). An implantable member for use in repair or replacement within a body comprising an expanded polytetrafluoroethylene substrate having a wall structure including nodes and fibrils with pores present between said nodes and said fibrils, said pores substantially filled with a solid precipitate of a material of natural origin formed *in situ* from a solution that is pH-adjusted within said pores.

Claim 22 (New). The implantable member of claim 1, wherein the solution has an acidic pH.

Claim 23 (New). The implantable member of claim 22, wherein the solution has a pH from about 2 to about 4.

Claim 24 (New). The implantable member of claim 21, wherein the solution has an acidic pH.

Claim 25 (New). The implantable member of claim 24, wherein the solution has a pH from about 2 to about 4.

Claim 26 (New). The implantable member of claim 1, wherein the solution is pH-adjusted to a pH of about 7.4.

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Claim 27 (New). The implantable member of claim 21, wherein the solution is pH-adjusted to a pH of about 7.4.

Claim 28 (New). The implantable prosthesis of claim 13, wherein the solution is pH-adjusted to a pH of about 7.4.

Claim 29 (New). An intermediate implantable member for use in repair or replacement within a body comprising an expanded polytetrafluoroethylene substrate having a wall structure including nodes and fibrils, with pores present between said nodes and said fibrils, said pores filled with an acidic fluid.

Claim 30 (New). The implantable member of claim 29, wherein the fluid is capable of forming a solid precipitate.

Claim 31 (New). The implantable member of claim 30, wherein the fluid solidifies and is crosslinked to form a solid precipitate of an insoluble, biocompatible, biodegradable material of natural origin.

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Applicants respectfully submit that adequate support for the claim amendments as required by 37 C.F.R. § 1.73(c) is set forth in the Amendment and Response to Office Action filed on April 21, 2004, at pages 8-9, wherein it is stated that “[s]upport for the amendments to the claims can be found in the instant specification at, for example, col. 2, lines 62-64, col. 3, lines 49-53, col. 4, lines 30-36, and col. 5, line 58, to col. 6, line 15.” Additional support for the claim amendments can be found in the instant specification at, for example, col. 2, lines 46-48, col. 3, lines 1-6, 17-20, 55-60, and 64-67, col. 4, lines 64-66, and at col. 5, lines 47-52.

37 C.F.R. § 1.173(c) requires that the status of the claims be delineated. Accordingly, Applicants are providing below a statement of the status of the claims.

Statement of Status of the Claims

Claims 1-4, 7, and 9-20 are presently pending in the application. Claims 21-31 also will be pending in the application upon entry of those claims. Original claims 6 and 8 have been cancelled, and cancellation of claim 5 has been requested.

The undersigned representative wishes to thank Examiner Prebilic for speaking with the undersigned on October 14, 2004. During that telephonic conversation, the undersigned inquired as to the expected form of a communication that is responsive to the Office Communication

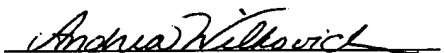
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mailed on September 21, 2004. Although no definitive instructions were provided, Examiner Prebilic indicated that the reply must include a listing of claims in compliance with 37 C.F.R. § 1.173 and indicated that the explanation of support for the claims must be specific.

No fees are believed to be due. If, however, any fees are due, please charge such fees to Deposit Account No. 08-2461.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, please contact the undersigned at the number listed below.

Respectfully submitted,


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